

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 788

House Bill No. 59*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended
by adding the following as a new section:

(a) In any prosecution or action under the provisions of Section 39-14-121, a negotiable instrument for which the information required in subsections (b) and (c) of this section is available at the time of issuance shall constitute prima facie evidence of the identity of the party issuing the negotiable instrument and that such person was a party authorized to draw upon the named account.

(b) To establish this prima facie evidence, the following information regarding the identity of the party presenting the negotiable instrument shall be requested by the party receiving such instrument: the presenter's name, residence address and home phone number. Such information may be provided by either of two (2) methods:

(1) It may be recorded upon the negotiable instrument itself; or

(2) The number of a check-cashing identification card issued by the receiving party may be recorded on the negotiable instrument. Such check-cashing identification card shall be issued only after the information required in this subsection has been placed on file by the receiving party.

(c) In addition to the information required in subsection (b) of this section, the party receiving the negotiable instrument shall witness the signature or

25060648

25060648

007685

00768595

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 788

House Bill No. 59*

endorsement of the party presenting such negotiable instrument and, as evidence of such, the receiving party shall initial the negotiable instrument.

Section 2. Tennessee Code Annotated, Section 39-14-144, is amended by deleting from the beginning of subsection (a) the language "If the appropriate district attorney general consents to the use of this section as provided in subsection (i), in lieu of any criminal penalties imposed by § 39-14-105 for the theft offenses, any" and substituting instead the language "Any".

Section 3. Tennessee Code Annotated, Section 39-14-144, is further amended by deleting subsection (a)(1) and substituting instead the following:

(1) For the adult or emancipated minor:

(A) The listed retail price of the merchandise taken plus two hundred fifty dollars (\$250) if the merchant does not recover the merchandise;

(B) The listed retail price of the merchandise taken plus two hundred fifty dollars (\$250) if the merchant recovers the merchandise but it is in a damaged state; or

(C) Two hundred fifty dollars (\$250) if the merchant recovers the merchandise in the same condition it was in prior to the conversion; or

Section 4. Tennessee Code Annotated, Section 39-14-144, is further amended by deleting subsection (a)(2) and substituting instead the following:

25060648

25060648

007685

00768595

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 788

House Bill No. 59*

(2) For the parent or legal guardian having custody of an unemancipated minor who has been negligent in the supervision of the unemancipated minor:

(A) The listed retail price of the merchandise taken plus two hundred fifty dollars (\$250) if the merchant does not recover the merchandise;

(B) The listed retail price of the merchandise taken plus two hundred fifty dollars (\$250) if the merchant recovers the merchandise but it is in a damaged state; or

(C) Two hundred fifty dollars (\$250) if the merchant recovers the merchandise in the same condition it was in prior to the conversion; or

Section 5. Tennessee Code Annotated, Section 39-14-144, is further amended by deleting subsection (c) in its entirety and substituting instead the following:

(c) A conviction for the offense of shoplifting or any other appropriate criminal offense involving the wrongful taking of merchandise of a merchant is not a prerequisite to the maintenance of a civil action authorized by this subsection, but nothing herein prohibits the reporting or filing of the appropriate criminal offense action.

Section 6. Tennessee Code Annotated, Section 39-14-144, is further amended by deleting subsection (i) in its entirety and by relettering subsection (j) accordingly.

Section 7. Tennessee Code Annotated, Section 39-14-144, is further amended by deleting subsection (a)(2) and substituting instead the following:

25060648

25060648

007685

00768595

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 788

House Bill No. 59*

For the parent or guardian having custody of an unemancipated minor:

Section 8. Tennessee Code Annotated, Section 39-14-145, is amended by deleting from the beginning of subsection (a) the language "If the appropriate district attorney general consents to the use of this section as provided in subsection (e), in lieu of any criminal penalties imposed by § 39-14-105 for the theft offenses, any" and substituting instead the language "Any".

Section 9. Tennessee Code Annotated, Section 39-14-145, is further amended by deleting subsection (e) in its entirety and substituting instead the following:

(e) A conviction for the offense of shoplifting, theft or wrongful taking of the merchandise of a retail merchant by an employee or any other appropriate criminal offense is not a prerequisite to the maintenance of a civil action authorized by this subsection, but nothing herein prohibits the reporting or filing of the appropriate criminal offense action.

Section 10. This act shall take effect on July 1, 1997, the public welfare requiring it.

25060648

25060648

007685

00768595